FY2012 Performance and Accountability Report

Montgomery County
Office of Consumer Protection

CountyStat

OCP Alignment to County Priority Objectives

Montgomery County Priority Objectives

- A Responsive and Accountable Government
- Affordable Housing in an Inclusive Community
- An Effective and Efficient Transportation Network
- Children Prepared to Live and Learn
- Healthy and Sustainable Communities
- Safe Streets and Secure Neighborhoods
- A Strong and Vibrant Economy
- Vital Living for All of Our Residents

OCP Headline Performance Dashboard

Headline Performance Measure	FY12 Results	FY11 Results	Performance Change
Restitution received as a percent of restitution asked for by the consumer and validated by the assigned OCP case investigator	86%	90%	⇔
Average OCP customer satisfaction rating - Manner in which the customer's case was handled (1-4 scale) based on customer satisfaction survey	3.6	3.3	⬆
Average OCP customer satisfaction rating - Outcome of the customer's case (1-4 scale) based on customer satisfaction survey	2.8	2.9	⇔
Average time in workdays to investigate and close a written complaint: All complaints	60	58	⇔
Percent of OCP-initiated consumer protection cases closed that are resolved by OCP	58%	65%	⬇
Percent of Commission on Common Ownership Communities (CCOC) cases resolved prior to a hearing	61%	60%	⇔
Media Coverage - Percent of news releases receiving media coverage, including print news, television and radio.	100%	100%	⇔
Media Coverage - Number of times media outlets, including print news, television and radio, seek out OCP's expertise	42	22	⬆

OCP At A Glance

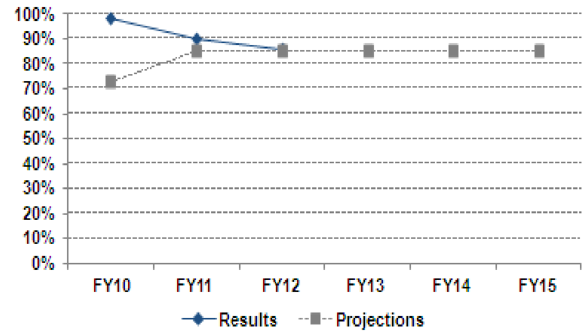
What Department Does and for Whom	How Much / How Many
Overall The mission of the Office of Consumer Protection (OCP) is to administer and enforce consumer protection laws prohibiting unfair and deceptive business practices in order to ensure integrity in our marketplace for consumers and businesses. OCP investigates and attempts to resolve consumer complaints including home sales and improvements; automobile sales and repairs; towing and other consumer transactions.	• Total FY12 Budget: $ 2,007,581 • Total WY: 14.5 (15 Full time)* *Does not include 1 full-time, filled Investigator position that was lapsed to meet the FY12 budget.
Complaint Investigation and Conciliation OCP receives inquiries and written complaints from consumers regarding a myriad of consumer transactions. Responses to inquiries are provided and written complaints are investigated in an effort to resolve disputes and ensure compliance with applicable laws.	• $602,275 (30.0% of Budget) • WY: 4.2 (29.0% of Personnel)
Law Enforcement OCP issues subpoenas and civil citations, executes settlement agreements, conducts administrative hearings, initiates legal action, and collaborates with the Police, State's Attorney, County Attorney, Attorney General, Federal Trade Commission, Postal Inspection Service, and other state and federal law enforcement agencies to enforce consumer protection laws.	• $401,516 (20.0% of Budget) • WY: 3.1 (21% of Personnel)

OCP At A Glance (Continued)

What Department Does and for Whom	How Much / How Many
Consumer Education OCP leverages its ability to educate consumers by communicating via radio, television, and electronic and print media. OCP issues news releases, provides media requested interviews, and conducts presentations, public forums, and training sessions.	• $381,440 (19.0% of Budget) • WY: 3.0 (21% of Personnel)
Non-Core Mission Activities OCP administers a variety of consumer related programs, including serving as staff to the Commission on Common Ownership Communities (CCOC) which provides an alternative dispute resolution mechanism for the one-third (33%) of county residents living within home owner and condominium associations. OCP is responsible for administering county laws regarding Energy & Environmental Advocacy (including PEPCO), contracts for Domestic Workers, property tax disclosures, new home sales, and licensing of certain other businesses.	• $622,350 (31.0% of Budget) • WY: 4.2 (29% of Personnel)

Headline Performance Measure 1: Restitution received as a percent of restitution asked for by the consumer and validated by the assigned OCP case investigator

Performance Trends



	FY10	FY11	FY12	FY13	FY14	FY15
Results	98%	90%	86%			
Projections	73%	85%	85%	85%	85%	85%

Factors Contributing to Current Performance

- OCP staff is cross-trained enabling enhanced complaint handling.
- OCP's investigative staff includes many industry experts including an ASE certified automotive mechanic.
- OCP has instituted the use of resource investigators. In particular, all cases are reviewed to ensure that restitution valuations are completed.

Factors Restricting Performance Improvement

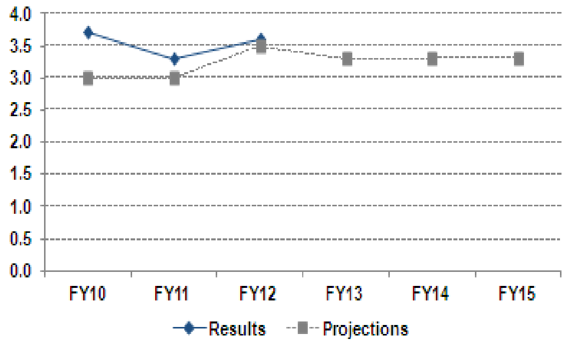
- For certain cases, outcomes cannot be quantified monetarily.
- In the continuing downward economy, merchants are not always willing to resolve complaints due to their own limited resources.
- Towing cases now account for a majority of OCP's case load. The law anticipated that consumers would obtain restitution by going to court.

Performance Improvement Plan

- OCP's administrator will review cases to ensure that non-monetary settlements are properly valued whenever possible.
- OCP will continue to expand its education efforts of consumer and merchants on relevant laws.

Headline Performance Measure 2: Average OCP customer satisfaction rating - Manner in which the customer's case was handled (1-4 scale) based on customer satisfaction survey

Performance Trends



	FY10	FY11	FY12	FY13	FY14	FY15
Results	3.7	3.3	3.6			
Projections	3.0	3.0	3.5	3.3	3.3	3.3

Factors Contributing to Current Performance

- OCP's administrator conducts one-on-one sessions with investigative staff on performance and outcomes.
- Volunteer staff has been trained to provide detailed and frequent updates to consumers and merchants.
- OCP administrator reviews survey results to identify restricting factors in areas in need of improvement.

Factors Restricting Performance Improvement

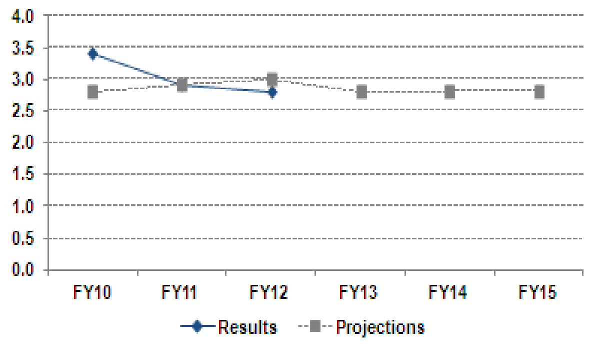
- Consumers frequently connect dissatisfaction with the outcome of their case with the manner the complaint was handled regardless of investigator's efforts.
- Communication issues between investigators and consumers can contribute to consumers' evaluation of manner.

Performance Improvement Plan

- OCP administrator will review and update survey questions to better address concerns.
- OCP will implement an initiative to expand its review of survey results to include personal contact with consumers who have identified concerns with the manner in which case was handled.

Headline Performance Measure 3: Average OCP customer satisfaction rating - Outcome of the customer's case (1-4 scale) based on customer satisfaction survey

Performance Trends



	FY10	FY11	FY12	FY13	FY14	FY15
Results	3.4	2.9	2.8			
Projections	2.8	2.9	3.0	2.8	2.8	2.8

Factors Contributing to Current Performance

- OCP's investigative staff has immense subject matter expertise.
- OCP's operations team has updated case intake forms to manage realistic expectations.

Factors Restricting Performance Improvement

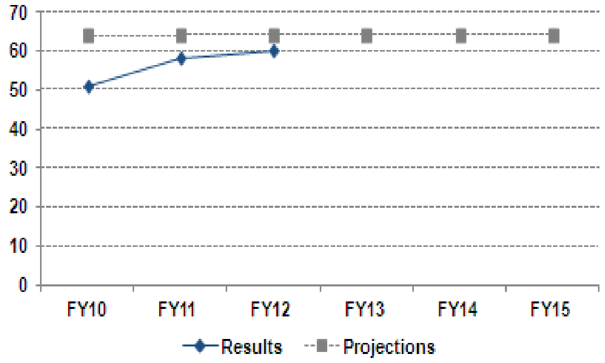
- The continued economic pressure on merchants limits their ability to resolve complaints to a consumer's satisfaction.
- OCP accepts an expansive array of cases; some of which have no violations of our statute.
- Consumers sometimes have unreasonable expectations concerning the outcome of their case.

Performance Improvement Plan

- OCP will initiate mediation training for staff.
- OCP's administrator will review and update survey questions to better address concerns.
- OCP will implement an initiative to expand its review of survey results to include personal contact with consumers who have identified concerns with manner.

Headline Performance Measure 4: Average time in workdays to investigate and close a written complaint: All complaints

Performance Trends



	FY10	FY11	FY12	FY13	FY14	FY15
Results	51	58	60			
Projections	64	64	64	64	64	64

Factors Contributing to Current Performance

- OCP's operations team reduced the time to initiate a case from three (3) business days to the same business day electronically.
- OCP's supervisor continues to review pending cases with each investigator to identify issues which potentially could cause delays in order to offer suggestions for handling special cases.
- OCP updated its case management system to quickly identify the number of days a case has been opened enabling investigators to address aging cases.

Factors Restricting Performance Improvement

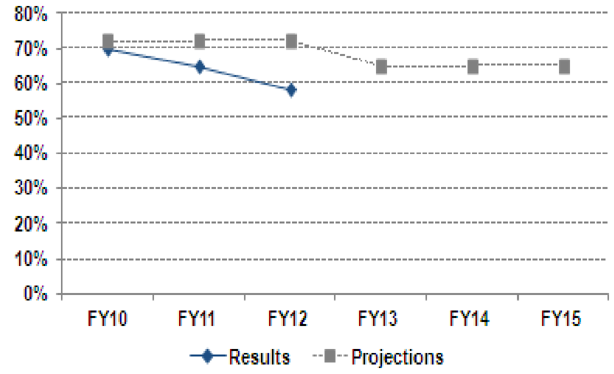
- Merchants continue to experience a decrease in staffing resources, increasing their response time to OCP.
- Complex cases and complaints in which it is difficult to locate the merchant can require extra time to resolve

Performance Improvement Plan

- OCP administrator will implement a pilot closing team review designed to track and resolve aging cases.

Headline Performance Measure 5: Percent of OCP-initiated consumer protection cases closed that are resolved by OCP

Performance Trends



	FY10	FY11	FY12	FY13	FY14	FY15
Results	70%	65%	58%			
Projections	72%	72%	72%	65%	65%	65%

Factors Contributing to Current Performance

- OCP's administrative volunteer network supports investigative efforts where paid staff is not an option due to lack of resources.
- OCP continues collaborating with the Police and Regional Service Centers and has devoted considerable effort to attempt to manage towing complaints.

Factors Restricting Performance Improvement

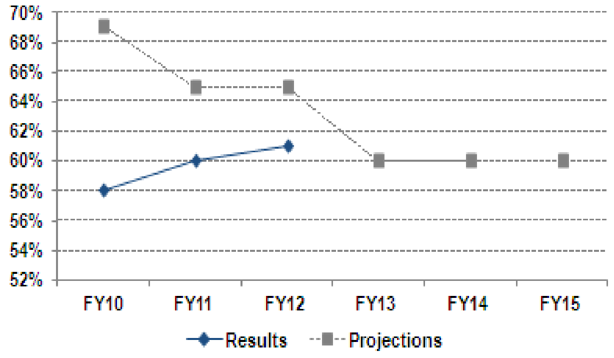
- OCP's loss of career investigators with certain subject matter knowledge has resulted in a learning curve for current investigative staff.
- Merchants continue to have limited resources for settling claims where there are no violations of the law.
- Impound towing complaints continue to grow. These cases are highly frustrating and emotionally charged complaints, and resolution to the consumer's satisfaction is difficult to obtain. The towing law anticipates that aggrieved consumers will seek restitution in court.

Performance Improvement Plan

- OCP's administrator will continue to work with staff to identify and improve investigative techniques.
- OCP will continue to collaborate with other regulatory agencies including the State's Attorney, Department of Labor, Licensing, and Regulation, and the Maryland Attorney General's Office to promote joint investigations and to exchange information which may enable OCP to resolve certain cases with emphasis on senior and towing issues.

Headline Performance Measure 6: Percent of Commission on Common Ownership Communities (CCOC) cases resolved prior to a hearing

Performance Trends



	FY10	FY11	FY12	FY13	FY14	FY15
Results	58%	60%	61%			
Projections	69%	65%	65%	60%	60%	60%

Factors Contributing to Current Performance

- CCOC provides training on the mediation process through live sessions and electronically published materials.
- CCOC has revised its mediation information to encourage parties to enter into mediation as a way of avoiding potentially high legal fees.
- Expansion of mediation services offered.

Factors Restricting Performance Improvement

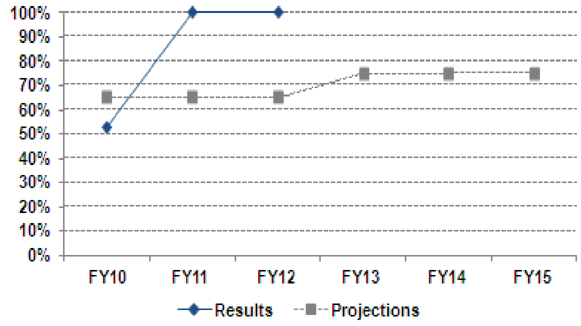
- Although CCOC continues to expand its mediation offerings, it still encounters a shortage of service providers. Mediation services are strictly voluntary; CCOC cannot require parties to participate in mediation.
- Staff does not have time to arrange all the mediations in a timely fashion and there is a bottleneck.

Performance Improvement Plan

- CCOC will produce educational videos, including several on topics that reflect our most common complaints.
- CCOC will initiate an alternate dispute resolution pilot program to enhance its mediation services.
- CCOC will produce two day seminars for proper board management.

Headline Performance Measure 7: Media Coverage - Percent of news releases receiving media coverage, including print news, television and radio.

Performance Trends



	FY10	FY11	FY12	FY13	FY14	FY15
Results	53%	100%	100%			
Projections	65%	65%	65%	75%	75%	75%

Factors Contributing to Current Performance

- OCP effectively identifies “hot topics” of concern to County residents.
- Integration with various media outlets such as Social Media, and eSubscribe provides a coordinated public outreach effort.
- Coordination of news releases with PIO staff.

Factors Restricting Performance Improvement

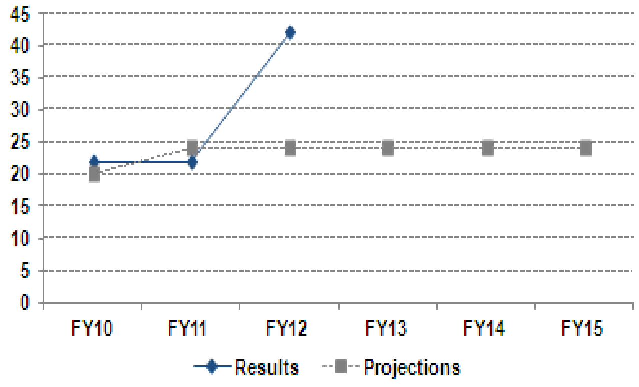
- OCP is only now recovering from staff reductions and staff is assigned multiple roles.

Performance Improvement Plan

- OCP will continue to integrate various media resources in its overall campaign.
- OCP will expand its social media presence due to the ability to reach a large target audience at minimal expense in real time.
- OCP projects that it will transition to the county’s new web pages by the end of FY13.

Headline Performance Measure 8: Media Coverage - Number of times media outlets, including print news, television and radio, seek out OCP's expertise

Performance Trends



	FY10	FY11	FY12	FY13	FY14	FY15
Results	22	22	42			
Projections	20	24	24	24	24	24

Factors Contributing to Current Performance

- OCP's investigative work garners national acclaim.
- OCP continues to collaborate with local and national print, television and radio media channels.
- OCP expanded its outreach to regularly appear on Spanish language radio.

Factors Restricting Performance Improvement

- OCP continues to do more with less. Staff resources are limited and OCP continues to moderate the amount of time it has available for media.

Performance Improvement Plan

- OCP's expansion of its social media initiatives will increase its media resources.

- OCP anticipates the training of new and newer staff members to assist with its overall outreach efforts.

Responsive and Sustainable Leadership:

Responsive and Sustainable Leadership has been the cornerstone of the County Executive's vision for Montgomery County government. To advance this vision, we have identified eight overarching goals for all County departments:

1) Effective and Productive Use of the Workforce/Resources:

Department actively works to effectively and productively use its workforce/resources, including, but not limited to, better management of overtime, implementation of productivity improvements, reduction of ongoing costs, and efficient use of other resources.

a) 0% change in average overtime hours used by all approved positions
*(Source: Department provides and CountyStat validates) (*No overtime was charged for FY11 or FY12*)*
b) XX% increase/decrease in average Net Annual Work hours worked by all approved positions
(Source: data/information not available yet)

2) Internal Controls and Risk Management:

Department actively assesses its internal control strengths, weaknesses, and risks regarding compliance with laws, regulations policies and stewardship over County assets. *Department reviews and implements Internal Audit recommendations in a systematic and timely manner, and proactively manages risk pertaining to improving workplace safety, decreasing work-related injuries, and reducing County exposure to litigation*

a) N/A; No internal audits were performed within the last 12 months
b) 0% change in number of work-related injuries

3) Succession Planning:
Department actively plans for changes in its workforce, in order to maintain continuity of services, develop staff capabilities, maintain and/or transfer knowledge, and enhance performance.

a) List all the key positions/functions in your department that require succession planning (Source: Department)

Mission-critical positions: OCP Director; Investigations Administrator (M3)

Hard-to-fill positions due to the technical and industry expertise needed or the detailed knowledge of overall interrelationships between program, services and resources required: OCP Director; Management and Budget Specialist III; Investigator III (ASE Certified Auto Mechanic)

b) 100% of those identified key position/functions have developed and implemented long-term succession planning (Source: Department)

4) Mandatory Employee Training:
Department systematically monitors and actively enforces employees' mandatory and/or required trainings.

100 % of OCP's employees who have fulfilled mandatory County/State/Federal training requirements (Source: Department)

5) Workforce Diversity and MFD Procurement:

Department actively participates in the recruitment of a diverse workforce and enforcement of MFD procurement requirements.

Workforce Diversity: refer to or attach summary yearly report prepared by OHR (Source: Department provides and CountyStat validates)

DEPARTMENT	African Amer	Native Amer	White	Asian	Hispanic	Other	Total
CONSUMER PROTECTION	29%	0%	57%	0%	14%	0%	100%

MFD Procurement: refer to or attach summary yearly report prepared by DGS (Source: Department provides and CountyStat validates) Link to report; OCP did not have any procurement contracts in FY 2012 and does not expect any in FY13.

6) Innovations:

Department actively seeks out and tests innovative new approaches, processes and technologies in a quantifiable, lean, entrepreneurial manner to improve performance and productivity.

Total number of innovative ideas/project currently in pipeline for your department, including the ones initiated in coordination with the Montgomery County Innovation Program.
(Source: Department)
Expected (or achieved) return on investment for each of those innovative ideas/projects, quantified in terms of at least one of the following measures: increased effectiveness/efficiency, cost savings/avoidance, increased transparency/accountability, or increased customer satisfaction.
(Source: Department)

Innovation/New Idea	**Return on Investment/Benefit**
OCP continues to improve its business licensing program by initiating the first of a multi-step database enhancement.	Currently, OCP's business licensing unit utilizes four distinct databases. In FY12, OCP finished the first of a three stage process. The new system processes OCP's Second Hand Personal Property Licenses, improves productivity while minimizing user error with built-in business rule validation.
OCP has maximized its consumer education outreach initiatives by utilizing a new interactive Live Discussion platform.	OCP is able to reach a limitless audience, maximize resources, and address hot topics in real time.
OCP continues to decrease its reliance on paper while maintaining efficient delivery of services.	OCP's latest enhancement resulted in a paperless facsimile system whereby all OCP staff has immediate online access to incoming facsimiles.
OCP continues to leverage its resources with the contribution of over 2,500 hours from its volunteer staff.	OCP expanded its use of this valuable resource by providing training to volunteers allowing them to participate in off-site consumer education outreach events.

7) Collaborations and Partnerships:
Department actively participates in collaborations and partnerships with other departments to improve results beyond the scope of its own performance measures. Please only list accomplishments that had positive results for other department(s) as well.

a) Total $$ saved by through collaborations and partnerships with other departments; (Source: Department)
b) List your accomplishments and/or expected results; (Source: Department)

Collaborations	**Results**
DTS' Cable Office	After a lengthy investigation in collaboration with DTS' Cable Office involving Comcast, OCP successfully negotiated a settlement agreement with Comcast requiring them to change their service fee notification procedures, and reimburse consumers for improperly charged service fees.
Montgomery County Police Department Office of the County Attorney	OCP collaborated with the Montgomery County Police Department, the Office of the County Attorney, the Intergovernmental Relations Office, and elected officials regarding trespass towing issues and complaints. OCP issued a comprehensive set of guidelines to assist towing firms in complying with new trespass towing restrictions and coordinated efforts to address potential federal preemption issues regarding state and local trespass towing laws.
Office of the County Attorney Montgomery County's Special Counsel Department of Transportation (DOT)	OCP continued to serve as the lead department in coordinating Montgomery County's intervention regarding electric utility cases before the Maryland Public Service Commission. OCP facilitated the efforts of Montgomery County's Special Counsel in collaborating with the Office of the County Attorney and the Department of Transportation (DOT) regarding the successful intervention on several major cases in reference to consumer rates, services, and tariff provisions applicable to Montgomery County's street lights, saving DOT and Montgomery County ratepayers millions of dollars.
Montgomery County Council	OCP has collaborated with Council members to coordinate several consumer education outreach events that targeted the special needs/concerns of their respective Council districts.

8) Environmental Stewardship:

Department actively makes appropriate changes to workplace operations, workflow, employee behavior, equipment use, and public interactions to increase energy-efficiency, reduce its environmental footprint, and implement other environmentally responsible practices.

a) 75% decrease in print and mail expenditures (Source: CountyStat)
b) 172% increase in paper purchases (measured in total sheets of paper) (Source: CountyStat)
c) List your accomplishments and/or expected results (Source: Department)

- OCP makes appropriate and responsible use of office equipment to increase energy efficiency and to reduce its environmental footprint.
- OCP continues to comply and exceed the County's paper reduction initiative.
- OCP routinely recycles office equipment and supplies.
- OCP is emailing more of its correspondence to consumers and merchants. However, OCP accepts complaint forms/documentation submitted by fax transmission and is required to print all email threads at case closing to maintain a complete hardcopy case file for at least 3 years.